

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

DOUGLAS BROWN and
PATRICIA BROWN,

Plaintiff,

v.

CATERPILLAR INC., a Foreign
Corporation; **JLG INDUSTRIES, INC.**,
a Foreign Corporation; **LANDOLL
COMPANY LLC**, a Foreign Limited
Liability Company; and **MARK ALAN
MEREDITH dba MARK MEREDITH
CONSTRUCTION**, a Citizen of Oregon,

Defendants.

Case No. 2:21-cv-01865-HL

ORDER

IMMERGUT, District Judge.

On June 29, 2022, Magistrate Judge Andrew D. Hallman issued his Findings and Recommendation (“F&R”). ECF 22. The F&R recommends that this Court grant Plaintiffs Douglas and Patricia Brown’s motion to remand to state court, ECF 5. On July 13, 2022, Defendants Caterpillar Inc. and JLG Industries, Inc. filed Objections to the F&R. ECF 24. On

July 26, 2022, Plaintiffs filed a Response to Defendants’ Objections. ECF 25. This Court ADOPTS Judge Hallman’s F&R.

STANDARDS

Under the Federal Magistrates Act (“Act”), as amended, the court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party objects to a magistrate judge’s F&R, “the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.* But the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149–50 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). Nevertheless, the Act “does not preclude further review by the district judge, *sua sponte*” whether de novo or under another standard. *Thomas*, 474 U.S. at 154.

CONCLUSION

This Court has reviewed de novo the portions of Judge Hallman’s F&R to which Defendants objected. The F&R, ECF 22, is adopted in full. Plaintiffs’ Motion to Remand, ECF 5, is GRANTED. This case is REMANDED to the Multnomah County Circuit Court in the State of Oregon (Case No. 21CV14209).

IT IS SO ORDERED.

DATED this 9th day of August, 2022.

/s/ Karin J. Immergut
Karin J. Immergut
United States District Judge